IN THE HIGH COURT OF JUDICATURE AT

BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.5505 OF 2007.

Namdev S/o Dhuraji More ... Petitioner.

Versus

1. The Divisional Controller,
MSRTC, Jalna, Dist. Jalna.

2. The Depot Manager,
MSRTC, Jalna, Dist.Jalna. ... Respondnets.

...

Mr.K.J.Suryawanshi, advocate for the petitioner.
Mr.A.R.Salve, advocate for the Respondents.

...

CORAM :**V.R.KINGAONKAR,J.**

Date :09.06.2009

PER COURT

1. The petitioner claimed to be workman employed by the Respondents. He asserted that he was unlawfully terminated from service. He,

therefore, challenged the order of termination on the ground that the Respondent indulged in unfair labour practices. His such contention was negatived by the Labour Court while deciding the complaint (ULP) No.90/1992. He preferred Revision Application No.15/2007. The Revision Application also came to be dismissed.

2. What transpires from the record is that the petitioner was not regularly employed by the Respondents and was not holding "any post" as such. He was assigned work of cleaning the S.T. buses. He was not placed in a particular pay-scale. He was being paid consolidated amount as per the number of S.T. buses cleaned by him during a period of one month. Both the Courts below have held that his work was contractual work and he was not employed as workman on establishment of the Respondents. This fact finding is not shown to be perverse. The Revision Petition was filed by the petitioner after about six (6) years and, therefore, Revisional Court held that the said Revision Petition was hopelessly barred by time. It is

true, that U/s 44 of the MRTU and PULP Act, no time limit is prescribed. Even so, it could not be overlooked that the limited jurisdiction available to the Industrial Court by way of Revision is required to be exercised with due care and caution. The delay and laches could be considered as a ground so as to decline to invoke such Revisional jurisdiction. The petitioner did not explain such a long drawn delay of about six (6) years in the Revisional Court. The principle "Non-vigilantibus non dormientibus jura subveniunt" is squarely applicable to the facts of the present case. In this view of the matter, the petition is dismissed in limine.

(V.R.KINGAONKAR,J.)

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